# County Of San Diego Tract TM # 3100-5569

### LEGAL DESCRIPTION

LOT 269 OF COUNTY OF SAN DIEGO TRACT NO. 5073-5, IN THE COUNTY OF SAN DIEGO, STATE-OF-CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14351, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 6, 2002.

EXCEPTING THEREFROM ANY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM AND OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE PROPERTY, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFOR AND STORING IN AND REMOVING THE SAME FROM THE PROPERTY OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THOSE CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO,THROU<del>CH OR ACROSS</del> THE SUBSURFACE OF THE PROPERTY, AND TO BOTTOM SUCH WHIPSOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE ON, IN OR THROUGH THE SURFACE OR THE UPPER FIVE HUNDRED (500) FEET OF THE SUBSURFACE OF THE PROPERTY, AS RESERVED BY STARWOOD—SANTA FE VALLEY PARTNERS, A CALIFORNIA GENERALPARTNERSHIP IN GRANT DEED RECORDED NOVEMBER 24, 2010 AS INSTRUMENT NO. 2010-0648877 OF OFFICIAL RECORDS.

FURTHER EXCEPTING THEREFROM ANY AND ALL WATER, WATER RIGHTS OR INTERESTS THEREIN APPURTENANT OR RELATING TO THE PROPERTY OR OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO THE PROPERTY (NO MATTER HOW ACQUIRED BY THE GRANTOR), WHETHER SUCH WATER, WATER RIGHTS OR INTERESTS THEREIN SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM OR IN THE THE PROPERTY OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, WATER RIGHTS OR INTERESTS THEREIN OR ANY OTHER PROPERTY OWNED OR LEASED BY GRANTOR; BUT WITHOUT, HOWEVER ANY RIGHT TO ENTER UPON THE SURFACE OF THE PROPERTY IN THE EXERCISE OF SUCH RIGHTS, AS RESERVED BY STARWOOD-SANTA FE VALLEY PARTNERS, A CALIFORNIA GENERAL PARTNERSHIP IN GRANT DEED RECORDED NOVEMBER 24, 2010 AS INSTRUMENT NO. 2010-0648877 OF OFFICIAL

APN: 267-190-03-00

#### TITLE REPORT EXCEPTIONS

THE FOLLOWING IS A LIST OF EXCEPTIONS PER A PRELIMINARY REPORT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY PER ORDER NUMBER NCS-467976-SD DATED FEBRUARY 17, 2011.

- REFERS TO GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2010-2011.
- REFERS TO THE LIEN OF SPECIAL TAX ASSESSED PURSUANT TO CHAPTER 2.5 COMMENCING WITH SECTION 53311 OF THE CALIFORNIA GOVERNMENT CODE FOR COMMUNITY FACILITIES DISTRICT NO. 95-1, AS DISCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED FEBRUARY 20, 1997 AS INSTRUMENT NO. 97-76866 OF OFFICIAL RECORDS.
- REFERS TO THE LIEN OF SPECIAL TAX ASSESSED PURSUANT TO CHAPTER 2.5 COMMENCING WITH SECTION 53311 OF THE CALIFORNIA GOVERNMENT CODE FOR COMMUNITY FACILITIES DISTRICT NO. 2000-1, AS DISCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED NOVEMBER 21, 2000 AS INSTRUMENT NOS. 00-632748 AND 00-632749, BOTH OF OFFICIAL RECORDS
- REFERS TO THE LIEN OF SPECIAL TAX ASSESSED PURSUANT TO CHAPTER 2.5 COMMENCING WITH SECTION 53311 OF THE CALIFORNIA GOVERNMENT CODE FOR COMMUNITY FACILITIES DISTRICT NO. 1, AS DISCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED DECEMBER 13, 2000 AS INSTRUMENT NO. 00-678523 OF OFFICIAL RECORDS.
- REFERS TO THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.
- THIS ITEM HAS BEEN INTENTIONALLY DELETED.
- 7. THIS ITEM HAS BEEN INTENTIONALLY DELETED.
- REFERS TO AN EASEMENT TO ED FLETCHER FOR CARROL DAM, WATER CONDUIT LINES AND INCIDENTAL PURPOSES. RECORDED MARCH 16, 1917 IN BOOK 730 OF DEEDS. PAGE 173. THE EXACT LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM THE RECORDS AND ARE

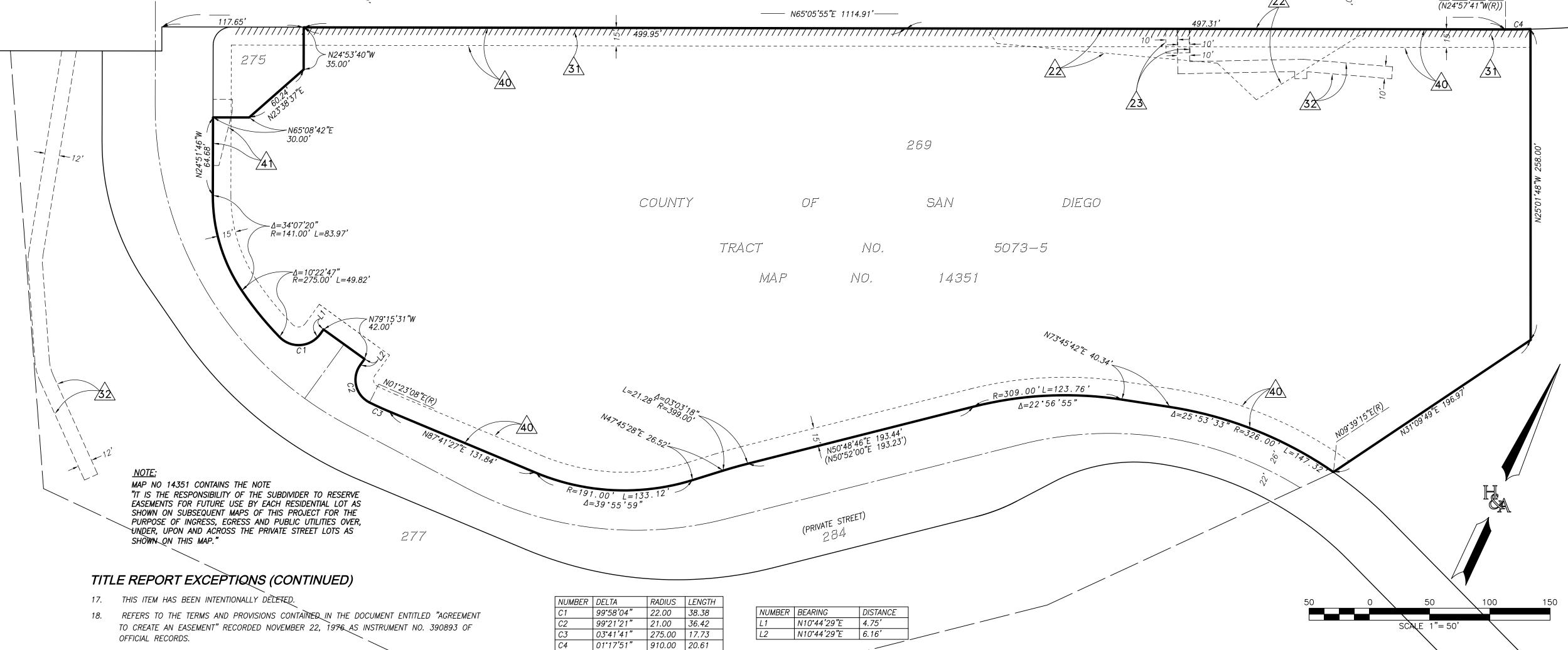
A DOCUMENT RECORDED MAY 1, 1917 IN BOOK 735 OF DEEDS, PAGE 123 PROVIDES THAT THE INTEREST OF THE EASEMENT HOLDER WAS TRANSFERRED TO SAN DIEGUITO MUTUAL WATER

- REFERS TO AN EASEMENT TO SAN DIEGUITO MUTUAL WATER COMPANY, A CORPORATION FOR A STRIP OF LAND 25.00 FEET IN WIDTH, THE CENTER LINE THEREOF BEING COINCIDENT WITH THE CENTER LINE OF THE CONDUITS AS THE SAME EXISTED AS OF THE DATE OF THIS INSTRUMENT AND INCIDENTAL PURPOSES, RECORDED DECEMBER 10, 1918 IN BOOK 770 OF DEEDS, PAGE 73. THE EXACT LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM THE RECORDS AND ARE NOT PLOTTED HEREON.
- REFERS TO AN EASEMENT TO SAN DIEGUITO MUTUAL WATER COMPANY FOR DITCHES AND INCIDENTAL PURPOSES, RECORDED JULY 31, 1924 IN BOOK 1309 OF DEEDS, PAGE 418. THE EXACT LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM THE RECORDS AND ARE NOT PLOTTED HEREON.
- 11. THIS ITEM HAS BEEN INTENTIONALLY DELETED
- REFERS TO A WAIVER OF ANY CLAIMS FOR DAMAGES BY REASON OF THE LOCATION, CONSTRUCTION, LANDSCAPING OR MAINTENANCE OF A CONTIGUOUS FREEWAY, HIGHWAY, ROADWAY OR TRANSIT FACILITY AS CONTAINED IN THE DOCUMENT RECORDED MARCH 27, 1935 AS BOOK 386, PAGE 299 OF OFFICIAL RECORDS.
- REFERS TO AN EASEMENT TO THE CITY OF SAN DIEGO FOR A CONDUIT FOR THE PUPOSES OF CONDUCTING, TRANSMITTING, DISTRIBUTING AND CONVEYING WATER AND INCIDENTAL PURPOSES, RECORDED APRIL 1, 1940 AS BOOK 1007, PAGE 303 OF OFFICIAL RECORDS.

THE EXACT LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM THE RECORDS AND ARE NOT PLOTTED HEREON.

A DOCUMENT RECORDED DECEMBER 11, 1970 AS INSTRUMENT NO. 228121 OF OFFICIAL RECORDS PROVIDES THAT THE INTEREST OF THE EASEMENT HOLDER WAS TRANSFERRED TO THE SANTA FE IRRIGATION DISTRICT AND THE SAN DIEGUITO IRRIGATION DISTRICT, AS TENANTS IN COMMON, AN UNDIVIDED 57 1/3RD PERCENT INTEREST TO THE SANTA FE IRRIGATION DISTRICT AND AN UNDIVIDED 42 2/3RD PERCENT INTEREST TO THE SAN DIEGUITO IRRIGATION DISTRICT.

- 14. THIS ITEM HAS BEEN INTENTIONALLY DELETED.
- REFERS TO AN EASEMENT TO THE COUNTY OF SAN DIEGO FOR THE PRIVILEGE AND THE RIGHT TO EXTEND DRAINAGE STRUCTURES, EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS OF EL ESCONDIDO DEL DIOS HIGHWAY, WHERE REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF SAID HIGHWAY AND INCIDENTAL PURPOSES, RECORDED AUGUST 13,1957 AS BOOK 6705, PAGE 78 OF OFFICIAL RECORDS.
- THE EXACT LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM THE RECORDS AND ARE NOT PLOTTED HEREON.
- REFERS TO A WAIVER OF ANY CLAIMS FOR DAMAGES BY REASON OF THE LOCATION, CONSTRUCTION, LANDSCAPING OR MAINTENANCE OF A CONTIGUOUS FREEWAY, HIGHWAY, ROADWAY OR TRANSIT FACILITY AS CONTAINED IN THE DOCUMENT RECORDED JULY 11, 1958 AS BOOK 7116, PAGE 550 OF OFFICIAL RECORDS.



- 19. THIS ITEM HAS BEEN INTENTIONALLY DELETED.
- 20. THIS ITEM HAS BEEN INTENTIONALLY DELETED.
- THIS ITEM HAS BEEN INTENTIONALLY DELETED.
- REFERS TO AN EASEMENT TO THE COUNTY OF SAN DIEGO FOR EXCAVATION AND EMBANKMENT SLOPES AND DRAINAGE STRUCTURES AND INCIDENTAL PURPOSES, RECORDED OCTOBER 14, 1988 AS INSTRUMENT NO. 88-523674 OF OFFICIAL RECORDS.

REFERS TO AN EASEMENT TO THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT FOR DRAINAGE STRUCTURES AND INCIDENTAL PURPOSES, RECORDED OCTOBER 14, 1988 AS INSTRUMENT NO.

- 24. REFERS TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SCHOOL IMPACT MITIGATION AGREEMENT" RECORDED FEBRUARY 2 ,1996 AS INSTRUMENT NO. 96-52536
- 25. REFERS TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "UNRECORDED SANTA FE VALLEY SEWER AGREEMENT" RECORDED OCTOBER 28, 1997 AS INSTRUMENT NO. 97-539631 OF OFFICIAL RECORDS.
- 26. REFERS TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DECLARATIION OF DEVELOPMENT COVENANTS, CONDITIONS AND RESTRICTIONS AND MEMORANDUM OF DEVELOPMENT AGREEMENT" RECORDED JULY 7, 1998 AS INSTRUMENT NO. 98-417398 OF OFFICIAL RECORDS.
- 27. REFERS TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT REGARDING PROVISION OF FIRE PROTECTION AND FIRE-FIGHTING SERVICES AND FACILITIES AND EMERGENCY MEDICAL RESPONSE TO THE SANTA FE VALLEY" RECORDED JANUARY 25, 1999 AS INSTRUMENT NO. 99-40846 OF OFFICIAL RECORDS.
- 28. REFERS TO COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, ASSESSMENTS, LIENS, CHARGES, TERMS AND PROVISIONS IN THE DOCUMENT RECORDED NOVEMBER 27, 2000 AS INSTRUMENT NO. 2000-0641853 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.

SAID COVENANTS, CONDITIONS AND RESTRICTIONS WERE INCORPORATED BY REFRENCE IN GRANT DEED RECORDED NOVEMBER 24, 2010 AS INSTRUMENT NO. 2010-0648877 OF OFFICIAL RECORDS. DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED MAY 22, 2001 AS INSTRUMENT NO. 2001-0325863 OF OFFICIAL RECORDS.

DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED APRIL 10, 2002 AS INSTRUMENT NO. 2002-0298802 OF OFFICIAL RECORDS.

DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED AUGUST 7, 2002 AS INSTRUMENT NO. 2002-0666933 OF OFFICIAL RECORDS.

DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED MARCH 26, 2003 AS INSTRUMENT NO. 2003-0339207 OF OFFICIAL RECORDS.

## TIFLE REPORT EXCEPTIONS (CONTINUED)

- REFERS TO EASEMENTS, COVENANTS AND CONDITIONS CONTAINED IN THE DEED FROM SECURITY TITLE INSURANCE COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT P.T. 1657 DATED DECEMBER 1, 1984, AS GRANTOR, TO STARWOOD-SANTA FE VALLEY PARTNERS, A CALIFORNIA GENERAL PARTNERSHIP, AS GRANTEE, RECORDED SEPTEMBER 28, 2001 AS INSTRUMENT NO. INSTRUMENT NO. 2001-0703414 OF OFFICIAL RECORDS.
- THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- 30. REFERS TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "PRIVATE ROAD MAINTENANCE AGREEMENT (TM 5073-5)" RECORDED FEBRUARY 21, 2002 AS INSTRUMENT NO. 02-147821 OF OFFICIAL RECORDS.
- REFERS TO ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM DEL DIOS HIGHWAY (SC1524) HAVE BEEN DEDICATED OR RELINQUISHED ON THE FILED MAP RECORDED MARCH 6, 2002 IN MAP NO. 14351 OF MAPS.
- REFERS TO AN EASEMENT FOR DRAINAGE AND INCIDENTAL PURPOSES SHOWN OR DEDICATED ON THE MAP FILED OR RECORDED MARCH 6, 2002 AS MAP NO. 14351 OF MAPS.
- REFERS TO THE FOLLOWING MATTERS SHOWN OR DISCLOSED BY THE FILED OR RECORDED MAP REFERRED TO IN THE LEGAL DESCRIPTION: THE RIGHT TO EXTEND AND MAINTAIN DRAINAGE FACILITIES AND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS OF THE EXISTING RIGHT OF WAY OF DEL DIOS HIGHWAY (S.C. 1524) DEDICATED AND ACCEPTED HEREON.
- REFERS TO THE FOLLOWING MATTERS SHOWN OR DISCLOSED BY THE FILED OR RECORDED MAP REFERRED TO IN THE LEGAL DESCRIPTION: ALL LOTS WITHIN THE SUBDIVISION HAVE MINIMUM OF 100 SQUARE FEET OF SOLAR ACCESS FOR ORDER NUMBER: NCS-467976-SD PAGE NUMBER: 7 EACH FUTURE BUILDING UNIT ALLOWED BY THIS SUBDIVISION AS REQUIRED BY SECTION 81.401(M) OF THE SUBDIVISION ORDINANCE.
- 35. REFERS TO THE FOLLOWING MATTERS SHOWN OR DISCLOSED BY THE FILED OR RECORDED MAP REFERRED TO IN THE LEGAL DESCRIPTION: LOT 269 IS FOR DEVELOPMENT (GOLF) PURPOSES.
- REFERS TO THE FOLLOWING MATTERS SHOWN OR DISCLOSED BY THE FILED OR RECORDED MAP REFERRED TO IN THE LEGAL DESCRIPTION: IT IS THE RESPONSIBILITY OF THE SUBDIVIDER TO PROVIDE INSURABLE ACCESS AND UTILITY TO EACH LOT CREATED BY THIS MAP.
- REFERS TO THE FOLLOWING MATTERS SHOWN OR DISCLOSED BY THE FILED OR RECORDED MAP REFERRED TO IN THE LEGAL DESCRIPTION: THE FACT THAT SAID LAND COULD BE SUBJECT TO

## TITLE REPORT EXCEPTIONS (CONTINUED)

- 38. REFERS TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STARWOOD—OLIVENHAIN MUNICIPAL WATER DISTRICT RAW, POTABLE AND RECYCLED WATER AGREEMENT" RECORDED JUNE 28, 2002 AS INSTRUMENT NO. 02-548020 OF OFFICIAL RECORDS.
- 39. REFERS TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED TRANSPORTATION FACILITIES IMPROVEMENT AND RIGHT-OF-WAY AGREEMENT" RECORDED APRIL 2003 AS INSTRUMENT NO. 03-412860 OF OFFICIAL RECORDS.
- AN EASEMENT TO SAN DIEGO GAS AND ELECTRIC COMPANY, A CORPORATION FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED JULY 16, 2003 AS INSTRUMENT NO. 03-844681 OF /4 \ REFERS TO AN EASEMENT TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT, A PUBLIC AGENCY, FOR
- INSTRUMENT NO. 04-1074225 OF OFFICIAL RECORDS. 42. REFERS TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SHARED USE AND MAINTENANCE AGREEMENT" RECORDED APRIL 23, 2010 AS INSTRUMENT NO. 2010-0202220

PIPELINE OR PIPELINES AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 12, 2004 AS

- 43. REFERS TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED NOVEMBER 24, 2010 AS INSTRUMENT NO. 2010-0648876 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES OR SECTION 12955 OF THE CALIFORNIA GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
- 44. REFERS TO EASEMENTS, COVENANTS AND CONDITIONS CONTAINED IN THE DEED FROM STARWOOD-SANTA FE VALLEY PARTNERS, A CALIFORNIA GENERAL PARTNERSHIP, AS GRANTOR, TO TOR INVESTMENTS L.P., A CALIFORNIA LIMITED PARTNERSHIP, AS GRANTEE, RECORDED NOVEMBER 24, 2010 AS INSTRUMENT NO. INSTRUMENT NO. 2010-0648877 OF OFFICIAL RECORDS. REFERENCE BEING MADE TO THE DOCUMENT FOR FULL PARTICULARS.

RECORD BOUNDARY & ENCUMBRANCES



PLANNING 9707 Waples Street ENGINEERING San Diego, Ca 92121

SURVEYING PH(858)558-4500 · FX(858)558-1414

CROSBY ENCLAVE

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SHEET

TENTATIVE MAP COUNTY OF SAN DIEGO TRACT TM # 3100-5569 C5

COUNTY OF SAN DIEGO, CALIFORNIA